	Application No.	Applicant(s)
Notice of Allowability	09/746,190	BAUMEISTER ET AL.
	Examiner	Art Unit	
	Hussein A. El-chanti	2157	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address*--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *4/13/2006*.

2. ☒ The allowed claim(s) is/are *31,47 and 54*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some*   c) ☐ None of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
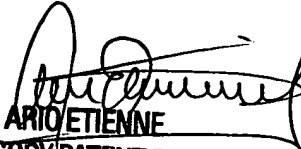
    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

EXAMINER'S AMENDMENT

1.   This action is responsive to RCE received April 13, 2006.

2.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Mr. John Campbell on July 6, 2006.

3.   The application has been amended as follows:

-       **31. (currently amended)** : A method for transferring remote files from a remote

server to a local client, the method comprising the steps of:

[[receiving a file request at the local client from a local file requester to download all

portions of the remote file from the remote server to the local file;

responsive to the received file request, initiating the retrieval of all portions of the

remote file from the remote server to the local file;

responsive to the initiating the retrieval from the remote server, retrieving all portions

of the remote file from the remote server to the local file, wherein the retrieval performed

in response to the initiating the retrieval of all portions of the remote file from the remote

server skips portions already retrieved from the remote server;

making the portions retrieved from the remote server at the local file available to the

file requester;

receiving at the local client a portion request from a local portion requester to

retrieve a portion of a remote file from the remote server to a local file at the client

server, the remote file having one or more first portions preceding a second portion, the

portion request comprising information specifying the second portion of the remote file

from the remote server;

determining the status of portions received from the remote file from the remote server;

responsive to the portion request, when the status of the portions received from the remote server indicates that the second portion has not been received from the remote server at the local file and when one of the one or more first portions has not yet been received from the remote file from the remote server, initiating from the local client the retrieval of the second portion of the remote file from the remote server to the local file; and

when the second portion has been received from the remote server at a second portion of the local file, making the second portion of the local file available to the portion requester]]

receiving at the local client a portion request from a local portion requestor to retrieve all portions of a remote file from the remote server to a local file at the local client, the remote file having one or more first portions preceding a second portion, the portion request comprising information specifying the second portion of the remote file;

determining the status of portions received from the remote file from the remote server at the local file of the local client;

responsive to the portion request, when the status of the portions received from the remote server indicates that the second portion has not been received from the remote server and stored at the local file and when one of the one or more first portions has net yet been received from the remote file from the remote server, initiating from the local client the retrieval of all not yet retrieved portions from the remote server beginning with the second portion of the remote file from the remote server to the local file;

_____ when the status of the portions received from the remote server indicates that the

second portion has been received from the remote server and stored at the local file

and when one of the one or more first portions has not yet been received from the

remote file from the remote server, initiating from the local client the retrieval of all not

yet retrieved portions from the remote server to the local file; and

_____ when a portion of the all portions of the remote file have been received from the

remote server and stored at a portion of the local file, making the portion of the local file

available to the portion requester.

-        **47. (Curently amended)**: A system for downloading remote files from a remote

server to a local client, the system comprising [[the steps of]]:

a network;

a remote computer system;

a local computer system in communication with the remote computer system via

the network wherein the computer systems includes instructions to execute a method

comprising the steps of:

receiving at the local client a portion request from a local portion requester to

retrieve all portions of a remote file from the remote server to a local file at the local

client [[server]], the remote file having one or more first portions preceding a second

portion, the portion request comprising information specifying the second portion of the

remote file;

determining the status of portions received from the remote file from the remote

server at the local file of the local client;

responsive to the portion request, when the status of the portions received from the

remote server indicates that the second portion has not been received from the remote

server and stored at the local file and when one of the one or more first portions has not

yet been received from the remote file from the remote server, initiating from the local

client the retrieval of all not yet retrieved portions from the remote server beginning with

the second portion of the remote file from the remote server to the local file;

when the status of the portions received from the remote server indicates that the

second portion has been received from the remote server and stored at the local file

and when one of the one or more first portions has not yet been received from the

remote file from the remote server, initiating from the local client the retrieval of all not

yet retrieved one or more first portions from the remote server to the local file; and

when a portion of the all portions of the remote file from the remote server have

been received from the remote server and stored at a portion of the local file, making

the portion of the local file available to the portion requester.

—   54. (Curently amended): A computer program product for downloading remote

files from a remote server to a local client, the computer program product comprising:

a storage medium readable by a processing circuit and storing instructions for

execution by a processing circuit for performing a method comprising the steps of:

receiving at the local client a portion request from a local portion requester to

retrieve all portions of a remote file from the remote server to a local file at the local

client, the remote file from the remote server having one or more first portions preceding

a second portion, the portion request comprising information specifying the second

portion of the remote file;

determining the status of portions received from the remote file from the remote

server at the local file of the local client;

responsive to the portion request, when the status of the portions received from the

remote server indicates that the second portion has not been received from the remote

server and stored at the local file and when one of the one or more first portions has not

yet been received from the remote file from the remote server, initiating from the local

client the retrieval of all not yet retrieved portions from the remote server beginning with

the second portion of the remote file from the remote server to the local file;

when the status of the portions received from the remote server indicates that the

second portion has been received from the remote server and stored at the local file

and when one of the one or more first portions has not yet been received from the

remote file from the remote server, initiating from the local client the retrieval of all not

yet retrieved one or more first portions from the remote server to the local file; and

when [[a portion of the]] all portions of the remote file have been received from the

remote server and stored at [[a portion of]] the local file, making the portions of the local

file available to the portion requester.

-        Claims 34-39, 40-41, 43-44, 46, 50-53, 57-58 and 60: **canceled**.

4.   Claims 31, 47 and 54 are allowed.

REASONS FOR ALLOWANCE

5.   This communication warrants no examiner's reason for allowance, as applicant's

reply makes evident the reason for allowance, satisfying the record as whole as

required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks in

the Amendment filed on May 6, 2005 with respect to the amended claim limitations and

further amended claim limitations in the after final amendment filed on Jan. 27, 2006

point out the reason claims are patentable over the prior art of record. Thus, the reason

for allowance is in all probability evident from the record and no statement for

examiner's reason for allowance is necessary (see MPEP 13202.14).

6.   Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hussein A. El-chanti whose telephone number is

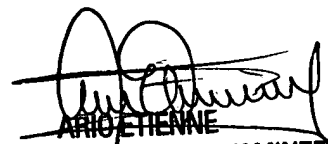(571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein El-chanti

July 6, 2006

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100